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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Rosainz, et al.

Examiner: Shannan-Shah, K.

Serial No.: 09/588,525

Group Art Unit: 1645

Filed: June 6, 2000

Docket: 294-83

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For: ANALOGUES OF
LIPOPOLYSACCHARIDE-
BINDING PROTEIN (LBP)-
DERIVED PEPTIDES THAT
EFFICIENTLY NEUTRALIZE
LIPOPOLYSACCHARIDES (LPS)

Dated: June 20, 2002

TECH CENTER 1600/2000

Commissioner for Patents
Washington, DC 20231

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June 20, 2002

Signature:

Julie L. Watts

SUPPLEMENTAL RESPONSE TO SPECIES ELECTION

Sir:

In an Office Action mailed June 11, 2002, the Examiner has indicated that Applicants' previous response to species election filed March 4, 2002, was not fully responsive because Applicants elected SEQ ID NO. 19 which is not recited in claim 37.

During a telephone discussion on June 19, 2002 with Examiner Shannon-Shah, Applicants explained that the amino acid sequence of SEQ ID NO. 19 is, in fact, recited in claim 37. In support thereof, Applicants provide the following elaboration of the peptide represented by SEQ ID NO. 19.

SEQ ID NO. 19 is the peptide: RVQGRWKVRASFAK, which is alternately represented by the three letter code: Arg Val Gln Gly Arg Trp Lys Val Arg Ala Ser Phe Ala Lys.

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Claim 37 is for an LPS binding and neutralizing protein comprising the amino acid sequence X-1-2-3-4-5-6-7-8-9-10-11-12-13-14-Y, with definitions of what each variable (i.e. X, 1, etc.) can be..

SEQ ID NO 19 fits into the definition of claim 37 when:

X is a linear chain consisting of zero amino acids;
1 is arginine (condition met is that 10 is not lysine);
2 is valine;
3 is glutamine;
4 is glycine;
5 is arginine (condition met is that 10 is not lysine);
6 is tryptophan;
7 is lysine;
8 is valine;
9 is arginine;
10 is alanine;
11 is serine (condition met is that 10 is not lysine);
12 is phenylalanine;
13 is alanine;
14 is lysine; and
Y is a linear chain consisting of zero amino acids.

Accordingly, Applicants respectfully submit that the peptide of SEQ ID NO. 19 is implicitly recited in claim 37, and therefore the species election previously filed is responsive to the prior office action.

If resolution of any remaining issues are required prior to examination of the application, it is respectfully requested that the Examiner contact Applicants' undersigned

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attorney at the telephone number provided below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "L. Emr", positioned above a horizontal line.

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